

United States Environmental Protection Agency  
Region 10  
1200 Sixth Avenue  
Seattle, Washington 98101

AUTHORIZATION TO DISCHARGE AND COMPOST SEWAGE SLUDGE  
(BIOSOLIDS) UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION  
SYSTEM

In compliance with the provisions of the Clean Water Act, 33 U.S.C. §1251 et seq., as amended by the Water Quality Act of 1987, P.L. 100-4, the "CWA",

City of Lewiston Wastewater Facility  
P.O. Box 617  
Lewiston, Idaho 83501

is authorized to discharge from a wastewater treatment facility located in the City of Lewiston to receiving waters named the Clearwater Arm of Lower Granite Dam Pool at latitude 46° 25' 38", longitude 117° 01' 16", in accordance with discharge point(s), effluent limitations, monitoring requirements and other conditions set forth herein, and is authorized to transfer sewage sludge to a compost facility, in accordance with the specific limitations, monitoring requirements, management practices, and other conditions set forth herein.

This permit shall become effective [Date].

This permit and the authorization to discharge and compost biosolids shall expire at midnight, [Date].

Signed this [day] day of [month] [year].

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Director, Office of Water Region 10  
U.S. Environmental Protection Agency

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## I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

### A. Outfall 001 Effluent Limitations and Monitoring Requirements

1. The permittee is authorized to discharge from outfall 001, subject to the restrictions set forth herein. This permit does not authorize the discharge of any waste streams, including spills and other unintentional or non-routine discharges of pollutants, that are not part of the normal operation of the facility as disclosed in the permit application, or any pollutants that are not ordinarily present in such waste streams. Effluent limitations are maximum values unless otherwise noted.

Table 1: Limitations and Monitoring Requirements for Outfall 001					
Parameter	Effluent Limitations			Monitoring Requirements	
	Average Monthly	Average Weekly	Maximum Daily	Sample Frequency	Sample Type
Biochemical Oxygen Demand (BOD <sub>5</sub> ) <sup>1</sup> mg/l lb/day Percent Removal	30 1,430 85 <sup>2</sup>	45 2,145	--- --- ---	5/Week	24-hr Composite
Total Suspended Solids (TSS) <sup>1</sup> mg/l lb/day Percent Removal	30 2,145 85 <sup>2</sup>	45 2,145	--- --- ---	5/Week	24-hr Composite
Fecal Coliform, #/100ml <sup>3</sup> May 1-September 30 <sup>4</sup> October 1-April 30 <sup>6</sup>	50 <sup>5</sup> —	200 <sup>5</sup> 200 <sup>5</sup>	500 800	5/Week	Grab
Total Residual Chlorine <sup>3,7</sup> Fg/l lb/day	340 14.29	--- ---	700 33.33	1/Day	Grab
Phosphorus as P, mg/l	---	---	---	1/Month	Grab
Total Ammonia (as N), mg/l	—	—	—	1/Month	Grab
Nitrite + Nitrate nitrogen, mg/l	—	—	—	1/Month	Grab
pH, standard units	Between 6.5 - 9.0			5/Week	Grab
Flow, mgd <sup>8</sup>	---	---	---	Continuous	Recording
Temperature, EC	---	---	---	1/Week	Grab

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Footnotes:

- 1 The sample location shall be influent and effluent for these parameters. The permittee shall collect influent and effluent samples over the same 24 hour period.
- 2 This value represents a minimum percent removal.
- 3 Reporting is required within 24 hours of a maximum daily limit violation. See Part III.H.
- 4 No more than 10% of the effluent samples in any 30-day period may exceed 200/100 ml.
- 5 Monthly and weekly averages shall be measured as a geometric mean.
- 6 No more than 10% of the effluent samples in any 30-day period may exceed 400/100 ml.
- 7 Residual chlorine limits and monitoring are required only when the chlorination system is in use.
- 8 See condition IV.E.4.

2. There shall be no discharge of floating, suspended or submerged matter such that it causes a nuisance or objectionable condition or impairs designated beneficial uses.

B. Ambient Monitoring Program. The permittee shall implement an ambient monitoring program. Ambient monitoring begin 90 days after the effective date of this permit and shall continue monthly for 24 months. Monitoring shall occur for temperature, pH, hardness, alkalinity, dissolved oxygen, ammonia, nitrate-nitrite, total kjeldahl nitrogen, total phosphorus, and orthophosphate. The program shall meet the following requirements:

1. Monitoring stations shall be located as follows:
  - above the influence of the facility's discharge, and
  - below the facility's discharge, at a point where the effluent and the Clearwater River are completely mixed.
2. Monitoring stations shall be submitted to the Idaho Division of Environmental Quality (IDEQ) and EPA for approval.
3. To the extent practicable, ambient sample collection shall occur on the same day as effluent sample collection.
4. Ambient samples shall be grab samples.
5. Results of the ambient monitoring shall be compiled and submitted to EPA and IDEQ no later than three months after the end of the ambient monitoring program.

C. Method Detection Limits. For all monitoring, the permittee shall use methods that can achieve a method detection level (MDL) equal to 0.1 times the effluent limitation or the most sensitive EPA approved method, whichever is greater. If the analytical result for any sample is below the MDL, the permittee shall report "less than {numeric MDL}" on the DMR. For

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purposes of averaging results, the permittee shall use actual values for all values above the MDL and zero for values below the MDL.

D. Whole Effluent Toxicity Testing. Beginning March 1, 2000, the permittee shall conduct quarterly toxicity tests on 24-hour composite effluent samples.

- (1) Organisms and protocols
  - (a) The permittee shall conduct static-renewal tests with the cladoceran, *Ceriodaphnia dubia* survival and reproduction test and the fathead minnow, *Pimephales promelas* larval survival and growth test for the first year. After this screening period, continued monitoring shall be conducted on the most sensitive species.
  - (b) The most sensitive species is the one with the lowest NOEC from the immediately previous test. See Part VI.13. for a definition of NOEC
  - (c) The presence of chronic toxicity shall be estimated as specified in *Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms*, Third Edition, EPA-600-4-91-002, July 1994, "the manual."
- (2) Each year the permittee shall re-screen for one quarter with two species and continue to monitor for the rest of the year with the most sensitive species. The screening shall occur in a different quarter than the previous year.
- (3) Results shall be reported in TUC (chronic toxic units).  $TUC = 100/NOEC$  (in percent effluent).<sup>1</sup>
- (4) Chronic toxicity testing requirements under paragraphs I.D.7 - I.D.8 are triggered when the NOEC exceeds 45 TUC, i.e., 2.2 percent effluent concentration.

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<sup>1</sup> See Part VII.5., "Definitions".

(5) Quality assurance

- (a) A series of five dilutions and a control shall be tested. The series shall include the instream water concentration (IWC), two dilutions between 2.2 percent and 50 percent, and two dilutions below the IWC. The IWC is 2.2 percent effluent. IWC is the concentration at the edge of the expected mixing zone to be granted by the State. The IWC is  $1/(Q_e/(Q_e+(\%MZ*Q_u)))$ .
- (b) Concurrent testing with reference toxicants shall also be conducted if organisms are not cultured in-house. Otherwise, monthly testing with reference toxicants is sufficient. Reference toxicants shall be conducted using the same test conditions as the effluent toxicity tests (e.g., same test duration and type).
- (c) If the effluent tests do not meet all test acceptability criteria as specified in the manual, then the permittee must re-sample and re-test as soon as possible.
- (d) Control and dilution water shall be synthetic, moderately hard laboratory water, as described in the manual. If the dilution water used is different from the culture water, a second control, using culture water shall also be used. Receiving water may be used as control and dilution water upon notification of EPA and IDEQ. In no case shall water that has not met test acceptability criteria be used as dilution or control water.

(6) Preparation of initial investigation toxicity reduction evaluation (TRE) plan

- (a) The permittee shall submit to EPA a copy of the permittee's initial investigation TRE workplan within 90 days of the effective date of this permit. This plan shall describe the steps the permittee intends to follow in the event that toxicity testing requirements as described in Part I.D.4. above, are detected, and should include at a minimum:
  - (i) a description of the investigation and evaluation techniques that would be used to identify potential causes/sources of toxicity, effluent variability, treatment system efficiency;

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- (ii) a description of the facility's method of maximizing in-house treatment efficiency, good housekeeping practices, and a list of all chemicals used in operation of the facility; and
  - (iii) if a toxicity identification evaluation (TIE) is necessary, who will conduct it (i.e., in-house or other).
- (7) Accelerated testing
  - (a) If chronic toxicity testing requirements as defined in Part I.D.4. above are triggered, the permittee shall implement the initial investigation workplan. If implementation of the initial investigation workplan indicates the source of toxicity (for instance, a temporary plant upset), then only one additional test is necessary. If toxicity is detected in this test, then Part I.D.7.(b) shall apply.
  - (b) If chronic toxicity testing requirements as defined in Part I.D.7.(a) above are triggered, then the permittee shall conduct six more tests, bi-weekly (every two weeks), over a twelve-week period. Testing shall commence within two weeks of receipt of the sample results of the exceedance.
- (8) TRE and toxicity identification evaluation (TIE)
  - (a) If chronic toxicity testing requirements as defined Part I.D.4. are triggered in any of the six additional tests required under Part I.D.7.(b), then, in accordance with the permittee's initial investigation workplan and EPA manual EPA 833-B-99-002, August 1999 (Toxicity Reduction Evaluation Guidance for Municipal Wastewater Treatment Plants), the permittee shall initiate a TRE within fifteen (15) days of receipt of the sample results of the exceedance. The permittee will develop as expeditiously as possible a more detailed TRE workplan, which includes:
    - (i) further actions to investigate and identify the cause of toxicity;
    - (ii) actions the permittee will take to mitigate the impact of the discharge and to prevent the recurrence of toxicity; and
    - (iii) a schedule for these actions.
  - (b) The permittee may initiate a TIE as part of the overall TRE process described in the EPA acute and chronic TIE

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manuals EPA/600/6-91/005F (Phase I), EPA/600/R-92/080 (Phase II), and EPA-600/R-92/081 (Phase III).

- (c) If none of the six tests required under Part I.D.7.(b) above indicates toxicity, then the permittee may return to the normal testing frequency.
  - (d) If a TIE is initiated prior to completion of the accelerated testing, the accelerated testing schedule may be terminated, or used as necessary in performing the TIE.
- (9) Reporting
- (a) The permittee shall submit the results of the toxicity tests, including any accelerated testing conducted during the month, in TUs with the discharge monitoring reports (DMR) for the month in which the test is conducted. If an initial investigation indicates the source of toxicity and accelerated testing is unnecessary, pursuant to Part I.D.7.(a), then those results shall also be submitted with the DMR for the quarter in which the investigation occurred.
  - (b) The full report shall be submitted by the end of the month in which the DMR is submitted.
  - (c) The full report shall consist of: the results; the dates of sample collection and initiation of each toxicity test; the triggers as defined in Part I.D.4. above; the type of activity occurring; the flow rate at the time of sample collection; and the chemical parameter monitoring required for the outfall(s) as defined in the permit.
  - (d) Test results for chronic tests shall also be reported according to the chronic manual chapter on Report Preparation, and shall be attached to the DMR.

## II. PRETREATMENT REQUIREMENTS

- A. The permittee shall implement its pretreatment program in accordance with the legal authorities, policies, procedures, staffing levels and financial provisions described in its original approved pretreatment program submission entitled *Industrial Pretreatment Study, Volume V of Wastewater Management Program for the City of Lewiston* (May, 1981), which was approved by EPA Region 10 on July 1, 1982, any program amendments

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submitted thereafter and approved by EPA, and the General Pretreatment Regulations (40 CFR §403) and any amendments thereof. At a minimum, the permittee shall undertake the following pretreatment implementation:

1. Enforce categorical pretreatment standards promulgated pursuant to Section 307(b) and (c) of the Act, prohibitive discharge standards as set forth in 40 CFR §403.5, or local limitations developed by the permittee in accordance with 40 CFR §403.5(c), whichever are more stringent or are applicable to non-domestic users discharging wastewater into the permittee's collection system. Locally derived limitations shall be defined as pretreatment standards under Section 307(d) of the Act.
2. Implement and enforce the requirements of the most recent and effective portions of local law and regulations (e.g. municipal code, sewer use ordinance) addressing the regulation of non-domestic users.
3. Update its inventory of non-domestic users at a frequency and diligence adequate to ensure proper identification of non-domestic users subject to pretreatment standards, but no less than once per year. The permittee shall notify these users of applicable pretreatment standards in accordance with 40 CFR §403.8(f)(2)(iii).
4. Issue, reissue, and modify, in a timely manner, industrial wastewater discharge permits to at least all Significant Industrial Users (SIUs) and categorical industrial users. These documents shall contain, at a minimum, conditions identified in 40 CFR §403.8(f)(1)(iii). The permittee shall follow the methods described in its implementation procedures for issuance of individual permits.
5. Develop and maintain a data management system designed to track the status of the permittee's non-domestic user inventory, non-domestic user discharge characteristics, and their compliance with applicable pretreatment standards and requirements. The permittee shall retain all records relating to its pretreatment program activities for a minimum of three years and shall make such records available to EPA upon request. The permittee shall also provide public access to information considered effluent data under 40 CFR Part 2.
6. Establish, where necessary, contracts or legally binding agreements with contributing jurisdictions to ensure compliance with applicable pretreatment requirements by non-domestic users within these jurisdictions. These contracts or agreements shall identify the agency responsible for the various implementation and enforcement activities in the contributing jurisdiction. In addition, the permittee may be required

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to develop a Memorandum of Understanding that outlines the specific roles, responsibilities and pretreatment activities of each jurisdiction.

7. Carry out inspections, surveillance, and monitoring of non-domestic users to determine compliance with applicable pretreatment standards and requirements. At a minimum, the permittee shall:
  - a. Inspect thoroughly all SIUs at least annually.
  - b. Sample the wastewater discharge of all SIU(s) at a frequency commensurate with the character and volume of the wastewater but no less than two (2) times per year. Sample collection and analysis shall be performed in accordance with 40 CFR §403.12 (b)(5)(ii) through (v) and 40 CFR Part 136. If the permittee elects to conduct all the non-domestic user monitoring for any SIU in lieu of requiring self-monitoring the permittee shall conduct sampling in accordance with the requirements of this paragraph.
8. Enforce and obtain remedies for any industrial user's non-compliance with applicable pretreatment standards and requirements. This shall include timely and appropriate reviews of industrial reports to identify all violations of the user's permit or the permittee's local ordinance. Once violations have been uncovered, the permittee shall take timely and appropriate action to address the noncompliance. The permittee's enforcement actions shall track its approved enforcement response procedures.
9. Publish, at least annually in the largest daily newspaper in the permittee's service area, a list of all SIUs which, at any time in the previous 12 months, were in Significant Non-Compliance as defined in 40 CFR §403.8 (f)(2)(vii).
10. Maintain adequate staff, funds and equipment to implement its pretreatment program.
11. Conduct an analysis to determine whether influent pollutant loadings are approaching the maximum allowable headworks loading in the permittee's local limits calculations. Any local limits found to be inadequate by this analysis shall be revised. The permittee may be required to revise existing local limits or develop new limits if deemed necessary by EPA.

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- B. The permittee shall implement an accidental spill prevention program to reduce and prevent spills and slug discharges of pollutants from non-domestic users.
- C. Whenever, on the basis of information provided to EPA, it is determined that any source contributes pollutants to the permittee's facility in violation of subsection (b), (c), or (d) of Section 307 of the Act, notification shall be provided to the permittee. Failure by the permittee to commence an appropriate enforcement action within 30 days of this notification may result in appropriate enforcement action by the EPA against the source and permittee.
- D. If the permittee elects to modify any components of its pretreatment program, it shall comply with the requirements of 40 CFR §403.18. No substantial program modification, as defined in 40 CFR §403.18(b), may be implemented prior to receiving written authorization from EPA.
- E. Under no circumstances shall the permittee allow introduction of the following wastes into the waste treatment system:
  - 1. Wastes which will create a fire or explosion hazard in the treatment works;
  - 2. Wastes which will cause corrosive structural damage to the treatment works, but in no case, wastes with a pH lower than 5.0, unless the works are designed to accommodate such wastes;
  - 3. Solid or viscous substances in amounts which cause obstructions to the flow in sewers, or interference with the proper operation of the treatment works;
  - 4. Wastewaters at a flow rate and/or pollutant discharge rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency; and
  - 5. Any pollutant, including oxygen demanding pollutants (BOD<sub>5</sub>, etc.) released in a discharge of such volume or strength as to cause interference in the treatment works.
- F. The permittee shall require any industrial user of its treatment works to comply with any applicable requirements of Sections 204(b), 307, and 308 of the Act, including any requirements established under 40 CFR §403.
- G. Pretreatment Program Sampling Requirements.

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1. The permittee shall sample influent, effluent, and sludge from its facility for the following parameters: percent solids (sludge only), arsenic, cadmium, chromium, copper, cyanide<sup>2</sup>, lead, mercury, nickel, silver, and zinc. Metals must be analyzed and reported as total metals.
2. Sampling shall be conducted twice per year: once during the wet season and once during the dry season, approximately 6 months apart.
3. The permittee shall sample as described in Table 2.

Table 2: Pretreatment Monitoring - Sample Types and Frequency		
Wastestream	Sample Type	Frequency
Influent	24-hour Composite	3 Consecutive days (Mon - Fri)
Effluent	24-hour Composite	3 Consecutive days (Mon - Fri)
Sludge	Grab	Once, during the same time period that influent and effluent samples are being taken

4. Sludge samples shall be taken as the sludge leaves the treatment processes and before mixing with sludge of different age in drying beds or in storage.
5. Metals concentrations in sludge shall be reported in mg/kg, dry weight.
6. Daily composite samples shall be analyzed and reported separately. Sample results shall be submitted with the pretreatment annual report required in paragraph H., below.

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<sup>2</sup>Cyanide sampling of influent and effluent requires eight discrete samples collected over an operating day. Each aliquot shall not be less than 100 ml. For cyanide sampling, the permittee must check for and remove interferences prior to preserving samples. If the sample is collected after chlorination, the permittee must check for and remove sulfides and chlorine prior to compositing (refer to Standard Methods 4500-CN B). Once tested for the interference compounds, the pH of each aliquot shall be adjusted to greater than 12.0 standard units with sodium hydroxide. Each aliquot can then be composited into a larger container, which has been chilled to 4 degrees centigrade to allow for one analysis for the day.

H. Pretreatment Report

1. The permittee shall submit an annual report that describes the permittee's program activities over the previous twelve months. This report shall be submitted to the following address no later than November 1 of each year:

Pretreatment Coordinator  
U.S. Environmental Protection Agency Region 10  
1200 Sixth Avenue, OW-130  
Seattle, WA 98101

2. The pretreatment report shall be compiled following the *Region 10 Annual Report Guidance*. At a minimum, the report shall include:
  - a. An updated non-domestic user inventory, including new businesses appropriately categorized and characterized. The permittee shall also list those facilities that have been dropped from the inventory, along with the reason they are no longer included.
  - b. Results of wastewater sampling at the treatment plant as specified in Part I.A.
  - c. Calculations of removal rates for each pollutant for each day of sampling.
  - d. An analysis and discussion of whether the existing local limitations in the permittee's sewer use ordinance continue to be appropriate to prevent treatment plant interference and pass through of pollutants that could affect water quality or sludge quality.
  - e. Status of program implementation, including:
    - 1) A description of any planned modifications to the pretreatment program originally approved by EPA, including staffing and funding updates.
    - 2) A description of any interference, upset, or NPDES permit violations experienced at the facility directly or indirectly attributable to non-domestic users.

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- 3) Listing of non-domestic users inspected and/or monitored during the previous year with a summary of compliance status.
  - 4) Listing of non-domestic users planned for inspection and/or monitoring for the next year along with associated frequencies.
  - 5) Listing of non-domestic users whose permits have been issued, reissued, or modified.
  - 6) Listing of non-domestic users notified of promulgated pretreatment standards and/or local standards as required in 40 CFR §403.8(f)(2)(iii).
  - 7) Listing of non-domestic users notified of promulgated pretreatment standards or applicable local standards who are on compliance schedules. The listing must include the final date of compliance for each facility.
- f. Status of enforcement activities including:
- 1) Listing of non-domestic users who failed to comply with applicable pretreatment standards and requirements, including:
    - a. Summary of the violation(s).
    - b. Enforcement action taken or planned by the permittee.
    - c. Present compliance status as of the date of preparation of the pretreatment report.
  - 2) Listing of those users in Significant Non-Compliance and a copy of the newspaper publication of those users' names.
- EPA may require more frequent reporting on those users in Significant Non-Compliance.

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### III. MONITORING, RECORDING, AND REPORTING REQUIREMENTS

#### A. Quality Assurance Plan

1. The permittee shall develop a Quality Assurance Plan (QAP) for all monitoring requirements identified in the permit. The plan shall be implemented within 90 days of the effective date of the permit.
2. At a minimum, the plan shall include the following:
  - a. Protocols for sampling techniques (field blanks, replicates, duplicates, control samples, etc.),
  - b. Sample preservation methods,
  - c. Sample shipment procedures,
  - d. Instrument calibration procedures and preventive maintenance (frequency, standard, spare parts),
  - e. Qualification and training of personnel, and
  - f. Analytical test methods that achieve the method detection limits in Section II.B including quality control checks, quantification/detection levels.
3. Throughout all sample collection and analysis activities, the permittee shall use the EPA approved quality assurance, quality control, and chain-of-custody procedures described in: *Requirements for Quality Assurance Project Plans*, EPA QA/R-5 and *Guidance on Quality Assurance Project Plans*, EPA QA/G-5.
4. The permittee shall amend the QAP whenever there is a modification in sample collection, sample analysis, or other procedure addressed by the QAP.
5. Copies of the QAP shall be kept on site and made available to EPA and/or IDEQ upon request.

- B. Representative Sampling. The permittee shall collect all effluent samples from the effluent stream prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge.

In order to ensure that the effluent limits set forth in this permit are not violated at times other than when routine samples are taken, the permittee shall collect additional samples whenever any discharge occurs that may reasonably be expected to cause or contribute to a violation that is unlikely

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to be detected by a routine sample. The permittee shall analyze the additional samples for those parameters limited in Part I.A. of this permit that are likely to be affected by the discharge.

The permittee shall collect such additional samples as soon as the spill, discharge, or bypassed effluent reaches the outfall. The samples shall be analyzed in accordance with paragraph III.C ("Monitoring Procedures"). The permittee shall report all additional monitoring in accordance with paragraph III.E ("Additional Monitoring by Permittee").

- C. Monitoring Procedures. Monitoring must be conducted according to test procedures approved under 40 CFR 136, unless other test procedures have been specified in this permit.
- D. Reporting of Monitoring Results. Monitoring results shall be summarized each month on the DMR form (EPA No. 3320-1). The reports shall be submitted monthly and are to be postmarked by the 10th day of the following month. Legible copies of these, and all other reports, shall be signed and certified in accordance with the requirements of Part V.E. (Signatory Requirements) and submitted to the Director, Office of Water and the State agency at the following addresses:

original to: United States Environmental Protection Agency Region 10  
1200 Sixth Avenue, OW-133  
Seattle, Washington 98101

copy to: Idaho Division of Environmental Quality  
1118 F Street  
Lewiston, Idaho 83501

- E. Additional Monitoring by the Permittee. If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Such increased frequency shall also be indicated and an explanation of why such additional monitoring was performed.

Upon request by the Director, the permittee shall submit results of any other sampling, regardless of the test method used.

- F. Records Contents. Records of monitoring information shall include:
  - 1. The date, exact place, and time of sampling or measurements;

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2. The individual(s) who performed the sampling or measurements;
  3. The date(s) analyses were performed;
  4. The individual(s) who performed the analyses;
  5. The analytical techniques or methods used; and
  6. The results of such analyses.
- G. Retention of Records. The permittee shall retain records of all monitoring information, including but not limited to all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of the Director or IDEQ at any time. A copy of this NPDES permit must be maintained on-site for the duration of activity at the permitted location.
- H. Twenty-four Hour Notice of Noncompliance Reporting.
1. The following occurrences of noncompliance shall be reported by telephone, to the EPA hotline at 206-553-1846, within 24 hours from the time the permittee becomes aware of the circumstances:
    - a. Any noncompliance which may endanger health or the environment.
    - b. Any unanticipated bypass which exceeds any effluent limitation in the permit (See Part IV.G, Bypass of Treatment Facilities);
    - b. Any upset which exceeds any effluent limitation in the permit (See Part IV.H, Upset Conditions); or
    - c. Any violation of a maximum daily discharge limitation for any of the pollutants in Table 1 of Section I.A of the permit requiring 24-hour reporting.
  2. A written submission shall also be provided within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:

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- a. A description of the noncompliance and its cause;
  - b. The period of noncompliance, including exact dates and times;
  - c. The estimated time noncompliance is expected to continue if it has not been corrected; and
  - d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
3. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the NPDES Compliance Unit in Seattle, Washington.
5. Reports shall be submitted to the addresses in Part III.D (Reporting of Monitoring Results).
- I. Other Noncompliance Reporting. Instances of noncompliance not required to be reported within 24 hours shall be reported at the time that monitoring reports for Part III.D (Reporting of Monitoring Results) are submitted. The report shall contain the information listed in Part III.H.3 (Twenty-four Hour Notice of Noncompliance Reporting).
- J. Notice of New Introduction of Pollutants. The permittee shall provide adequate notice to the Director, Office of Water of:
  1. Any new introduction of pollutants into the treatment works from an indirect discharger which would be subject to Sections 301 or 306 of the CWA if it were directly discharging those pollutants; and
  2. Any substantial change in the volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of the permit.
3. For the purposes of this section, adequate notice shall include information on:
  - a. The quality and quantity of effluent to be introduced into such treatment works; and
  - b. Any anticipated impact of the change on the quantity or quality of effluent to be discharged from such publicly owned treatment works.

#### **IV. COMPLIANCE RESPONSIBILITIES**

- A. **Duty to Comply.** The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- B. **Penalties for Violations of Permit Conditions.** Except as provided in permit conditions in Part IV.G (Bypass of Treatment Facilities) and Part IV.H (Upset Conditions), nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.
  - 1. **Civil and Administrative Penalties.** Any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the CWA shall be subject to a civil or administrative penalty, not to exceed the maximum amounts authorized by Sections 309(d) and 309(g) of the CWA and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note).
  - 2. **Criminal Penalties:**
    - a. **Negligent Violations.** Any person who negligently violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the CWA shall, upon conviction, be punished by a fine and/or imprisonment as specified in Section 309(c)(1) of the CWA.
    - b. **Knowing Violations.** Any person who knowingly violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the CWA shall, upon conviction, be punished by a fine and/or imprisonment as specified in Section 309(c)(2) of the CWA.
    - c. **Knowing Endangerment.** Any person who knowingly violates a permit condition implementing Sections 301, 302, 303, 306, 307, 308, 318, or 405 of the CWA, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine and/or imprisonment as specified in Section 309(c)(3) of the CWA.

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- d. False Statements. Any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this CWA or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under this CWA, shall, upon conviction, be punished by a fine and/or imprisonment as specified in Section 309(c)(4) of the CWA.
- C. Need to Halt or Reduce Activity not a Defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- D. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- E. Operation and Maintenance.
- 1. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used, by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance (O & M) also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
  - 2. Within 180 days of the effective date of the permit, the permittee shall review its operation and maintenance plan and ensure that it includes appropriate best management practices (BMPs). The O&M plan shall include measures which prevent or minimize the potential for the release of pollutants to the Spokane River. The Plan shall be retained on site and made available to EPA and IDEQ upon request.
  - 3. The permittee shall develop a description of pollution prevention measures and controls appropriate for the facility, and implement such controls. The appropriateness and priorities of controls in the O & M Plan shall reflect identified potential sources of pollutants at the facility. The description of BMPs shall address, to the extent practicable, the following minimum components:

- a. Spill prevention and control;
  - b. Optimization of chlorine and other chemical use;
  - c. Research, development and implementation of a public information and education program to control the introduction of household hazardous materials to the sewer system; and
  - d. Water conservation.
4. The design criterion for the permitted facility is an annual average flow of 5.71 mgd. Each month, the permittee shall compute an annual average value for flow entering the facility based on the previous twelve months data. If the average annual value exceeds 85% of the design criterion value, the permittee shall develop a facility plan and schedule within one year from the date of the first exceedence. The plan must include the permittees' strategy for continuing to maintain compliance with effluent limits and will be made available to the Director or authorized representative upon request.
- F. Removed Substances. Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters.
- G. Bypass of Treatment Facilities.
1. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2 and 3 of this section.
  2. Notice.
    - a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass.
    - b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under Part III.H (Twenty-four Hour Notice of Noncompliance Reporting).

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3. Prohibition of bypass.

- a. Bypass is prohibited and the Director may take enforcement action against a permittee for a bypass, unless:
  - i) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  - iii) The permittee submitted notices as required under paragraph 2 of this section.
- b. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determine that it will meet the three conditions listed above in paragraph 3.a. of this section.

H. Upset Conditions.

- 1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph 2 of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- 2. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
  - b. The permitted facility was at the time being properly operated;

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- c. The permittee submitted notice of the upset as required under Part III.H ("Twenty-four Hour Notice of Noncompliance Reporting"); and
  - d. The permittee complied with any remedial measures required under Part IV.D ("Duty to Mitigate").
- 3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.
- I. Toxic Pollutants. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
- J. Planned Changes. The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
  - 1. the alteration or addition could significantly change the nature or increase the quantity of pollutants discharged (This notification applies to pollutants which are not subject to effluent limitations in the permit or notification requirements under 122.42(a)(1)); or
  - 2. the alteration or addition results in a significant change in the permittee's sludge use or disposal practices, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to the land application plan approved in this permit.

## **V. GENERAL PROVISIONS**

- A. Permit Actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- B. Duty to Reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application must be submitted at least 180 days before the expiration date of this permit unless the Administrator grants permission to submit the application at a later date.

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- C. Duty to Provide Information. The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.
- D. Other Information. When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Director, it shall promptly submit such facts or information.
- E. Signatory Requirements. All applications, reports or information submitted to the Director shall be signed and certified.
  - 1. All permit applications shall be signed by either a principal executive officer or ranking elected official.
  - 2. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
    - a. The authorization is made in writing by a person described above and submitted to the Director, and
    - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
  - 3. Changes to authorization. If an authorization under paragraph V.E.2. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph V.E.2. must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
  - 4. Certification. Any person signing a document under this section shall make the following certification:

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*"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."*

- F. Availability of Reports. Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Director. As required by the CWA, permit applications, permits and effluent data shall not be considered confidential.
- G. Inspection and Entry. The permittee shall allow the Director or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by law, to:
  - 1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
  - 2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
  - 3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
  - 4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.
- H. Oil and Hazardous Substance Liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the CWA.
- I. Property Rights. The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury

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to private property or any invasion of personal rights, nor any infringement of federal, state or local laws for regulations.

- J. Severability. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.
- K. Transfers. This permit may be automatically transferred to a new permittee if:
  - 1. The current permittee notifies the Director at least 30 days in advance of the proposed transfer date;
  - 2. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
  - 3. The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 2 above.
- L. State Laws. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Clean Water Act.
- M. Reopener Clause. This permit is subject to modification, revocation and reissuance, or termination at the request of any interested person (including the permittee) or upon EPA initiative. However, permits may only be modified, revoked or reissued, or terminated for the reasons specified in 40 CFR 122.62 or 122.64, and 40 CFR 124.5. This includes new information which was not available at the time of permit issuance and would have justified the application of different permit conditions at the time of issuance.

The permit may also be reopened to adjust any effluent limitations should future water quality studies, waste load allocation determinations, or changes in Water Quality Standards show the need for different requirements.

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Upon completion of the state of Washington's TMDL/WLA for dissolved oxygen in Lower Granite Pool, this permit may be reopened to establish more stringent controls on BOD and/or nutrients, if necessary.

All requests for permit modification must be addressed to EPA in writing and shall contain facts or reasons supporting the request.

## VI. DEFINITIONS

1. "Administrator" means the Administrator of the EPA, or an authorized representative.
2. "Average monthly discharge limitation" means the highest allowable average of "daily discharges" over a calendar month. For pollutants other than fecal coliform bacteria, the average monthly discharge shall be calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month. For fecal coliform bacteria, the average monthly discharge shall be calculated as a geometric mean.
3. "Average weekly discharge limitation" means the highest allowable average of "daily discharges" over a calendar week. For pollutant other than fecal coliform bacteria, the average weekly discharge shall be calculated as the sum of all "daily discharges" measured during a calendar week divided by the number of "daily discharges" measured during that week. For fecal coliform bacteria, the average weekly discharge shall be calculated as a geometric mean.
4. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
5. "Chronic toxic unit" ("TU<sub>c</sub>") is a measure of chronic toxicity. The number of chronic toxic units in the effluent is calculated as 100/NOEC, where the NOEC is measured in percent effluent.
6. "Daily discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.

7. "Director" means the Director of the Office of Water, EPA, or an authorized representative.
8. "DMR" means discharge monitoring report.
9. "EPA" means the United States Environmental Protection Agency.
10. "Grab" sample is a single sample or measurement taken at a specific time or over as short a period of time as is feasible.
11. "Maximum daily discharge limitation" means the highest allowable "daily discharge."
12. "Method Detection Limit (MDL)" means the minimum concentration of an analyte that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero as determined by a specific laboratory method.
13. "No observed effect concentration (NOEC)" is the highest tested concentration of an effluent at which adverse effects are observed on the test organisms at the specific time of observation.
14. "Regional Administrator" means the EPA Region 10 Regional Administrator, or an authorized representative.
15. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
16. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
17. "Waste stream" means any non-de minimus stream of pollutants within the permittee's facility that enters any permitted outfall or navigable waters. This includes spills and other unintentional, non-routine or unanticipated discharges.

18. A "24-hour composite" sample shall mean a flow-proportioned mixture of not less than 8 discrete aliquots. Each aliquot shall be a grab sample of not less than 100 ml and shall be collected and stored in accordance with procedures prescribed in the most recent edition of *Standard Methods for the Examination of Water and Wastewater*.